
Appendix D

SEQR Documentation

The ENB SEQRA Notice Publication Form - Please check all that apply

Deadline: Notices must be received by **6 p.m. Wednesday** to appear in the following Wednesday's ENB

- | | |
|---|--|
| <input type="checkbox"/> Negative Declaration - Type I | <input type="checkbox"/> Draft EIS |
| <input type="checkbox"/> Conditioned Negative Declaration | <input type="checkbox"/> with Public Hearing |
| <input type="checkbox"/> Positive Declaration | <input type="checkbox"/> Generic |
| <input type="checkbox"/> Draft Scope | <input type="checkbox"/> Supplemental |
| <input type="checkbox"/> with Public Scoping Session (optional) | <input type="checkbox"/> Final EIS |
| <input type="checkbox"/> Final Scope | <input type="checkbox"/> Generic |
| | <input type="checkbox"/> Supplemental |

DEC Region # _____ County: _____ Lead Agency: _____

Project Title:

Brief Project Description: The action involves . . .

Project Location (include street address/municipality):

Contact Person: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ E-mail: _____

For Conditioned Negative Declaration / Draft Scope / Draft EIS: Public Comment Period ends: ___ / ___ / ___

For Public Hearing or Scoping Session: Date: ___ / ___ / ___ Time: ___:___ am/pm

Location:

A hard copy of the Draft Scope/Final Scope/DEIS/FEIS is available at the following locations:

The online version of the Draft Scope/Final Scope/DEIS/FEIS is available at the following publically accessible web site:

For Conditioned Negative Declaration: In summary, conditions include:

**BUFFALO AND ERIE COUNTY INDUSTRIAL LAND
DEVELOPMENT CORPORATION**

**DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT ACCEPTANCE
RESOLUTION**

(BETHLEHEM STEEL SITE)

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation was convened on Wednesday, May 27, 2020, at 1:00 p.m.

The following resolution was duly offered and seconded, to wit:

**RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL
LAND DEVELOPMENT CORPORATION ACCEPTING AS COMPLETE A
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE
ADVANCED MANUFACTURING PARK INFRASTRUCTURE MASTER
PLAN AND SCHEDULING OF A SEQRA PUBLIC HEARING**

WHEREAS, the Buffalo and Erie County Industrial Land Development Corporation (the “ILDC”) owns approximately 150 acres of real property located within the former Bethlehem Steel Site in Lackawanna, New York, and is currently in negotiations to purchase an additional 92 acre parcel of real property also located within the former Bethlehem Steel Site in Lackawanna, New York (collectively, the “Real Property”); and

WHEREAS, the ILDC, in its efforts to establish an infrastructure and master plan for the Real Property, must first comply with Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto at 6 NYCRR Part 617 (collectively referred to as “SEQRA”); and

WHEREAS, on October 23, 2019, the ILDC declared itself Lead Agency in connection with the SEQRA review for the ILDC Advanced Manufacturing Park Infrastructure Master Plan; and

WHEREAS, on October 23, 2019, the ILDC issued a Positive Declaration, as that term is defined by the SEQRA regulations, for the ILDC Advanced Manufacturing Park Infrastructure Master Plan, and further directed that a Draft Generic Environmental Impact Statement (“DGEIS”) be prepared; and

WHEREAS, a DGEIS for the ILDC Advanced Manufacturing Park Infrastructure Master Plan has been prepared by the ILDC’s consultant and reviewed by the ILDC staff and submitted to the ILDC; and

WHEREAS, the ILDC has reviewed the DGEIS in order to determine the completeness of the DGEIS pursuant to 6 NYCRR § 617.9(a)(2) of the SEQRA regulations; and

WHEREAS, on March 13, 2020, the Governor of the State of New York issued Executive Order 202.1 suspending certain aspects of the Open Meetings Law related to in-person

attendance, and further directed that public meetings be held remotely provided the public has the ability to view or listen to such proceedings and that such meetings are recorded and later transcribed; and

WHEREAS, the Governor's Executive Order 202.1 has been extended through June 7, 2020 by subsequent Executive Orders 202.15 and 202.29.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF DIRECTORS OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. The ILDC hereby accepts the DGEIS as complete and sufficient in scope and content for the purposes of commencing the requisite public review and comment as required by SEQRA, and directs that a Notice of Completion of the DGEIS be published as required by 6 NYCRR § 617.12(c) of the SEQRA regulations.

Section 2. The IDLC hereby schedules a public comment period for the DGEIS pursuant to 6 NYCRR 617.9(a)(3), and written comments on the DEIS will be accepted by the ILDC until July 9, 2020.

Section 3. Pursuant to 6 NYCRR § 617.9(a)(4), a public hearing on the DGEIS shall be scheduled for June 29, 2020 at 6:00 p.m., and shall further be conducted consistent with the requirements of the Executive Orders issued by the Governor of the State of New York, including but not limited to, Executive Order 202.1.

Section 4. Given the various Executive Orders issued in response to the COVID-19 pandemic, the public hearing will be conducted remotely through a web-based meeting platform, and the details for public access to and participation in the public hearing will be published in the local newspaper and posted on the IDLC's website at least fourteen (14) calendar days before the public hearing's scheduled date.

Section 5. The DGEIS shall be distributed to any and all involved agencies, as well as filed and circulated, along with a copy of this Resolution, as required by 6 NYCRR § 617.12 and/or any other applicable ordinance, statute, or regulation.

Section 6. The DGEIS shall also be provided to the City of Lackawanna Public Library and the City of Lackawanna, and posted on the City of Lackawanna website and the ILDC's website to ensure maximum public access to the document.

Section 7. The ILDC hereby authorizes and directs that the ILDC's staff, agents, and consultants undertake any other and further action as may be necessary pursuant to SEQRA in order to meet the ILDC's obligations as Lead Agency.

Section 8. This Resolution shall take effect immediately upon adoption.

Dated: May 27, 2020

The ENB SEQRA Notice Publication Form - Please check all that apply

Deadline: Notices must be received by **6 p.m. Wednesday** to appear in the following Wednesday's ENB

- | | |
|---|--|
| <input type="checkbox"/> Negative Declaration - Type I | <input type="checkbox"/> Draft EIS |
| <input type="checkbox"/> Conditioned Negative Declaration | <input type="checkbox"/> with Public Hearing |
| <input type="checkbox"/> Positive Declaration | <input type="checkbox"/> Generic |
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| <input type="checkbox"/> with Public Scoping Session (optional) | <input type="checkbox"/> Final EIS |
| <input type="checkbox"/> Final Scope | <input type="checkbox"/> Generic |
| | <input type="checkbox"/> Supplemental |

DEC Region # _____ County: _____ Lead Agency: _____

Project Title:

Brief Project Description: The action involves . . .

Project Location (include street address/municipality):

Contact Person: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ E-mail: _____

For Conditioned Negative Declaration / Draft Scope / Draft EIS: Public Comment Period ends: ___ / ___ / ___

For Public Hearing or Scoping Session: Date: ___ / ___ / ___ Time: ___:___ am/pm

Location:

A hard copy of the Draft Scope/Final Scope/DEIS/FEIS is available at the following locations:

The online version of the Draft Scope/Final Scope/DEIS/FEIS is available at the following publically accessible web site:

For Conditioned Negative Declaration: In summary, conditions include:

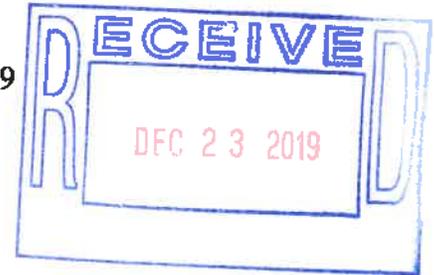


United States Department of the Interior

FISH AND WILDLIFE SERVICE
3817 Luker Road
Cortland, New York 13045



December 19, 2019



Mr. John Cappellino
Executive Vice President
Buffalo and Erie County Industrial Land Development Corp.
95 Perry Street, Suite 403
Buffalo, NY 14203

Dear Mr. Cappellino:

This responds to your request for comments from the U.S. Fish and Wildlife Service (Service) pursuant to the State Environmental Quality Review Act (SEQRA) review of the proposed Bethlehem Steel site redevelopment. The site is located along State Route 5 in the City of Lackawanna, Erie County, New York. The Buffalo and Erie County Industrial Land Development Corporation (ILDC) proposes to develop a Master Plan to guide redevelopment of an approximately 240 acre portion of the 1,100 acre site. A mix of commercial, business, and light and medium density industrial facilities are proposed. The Master Plan will contain thresholds and standards to assist local officials and prospective developers in planning infrastructure and site plans and be referenced in a Generic Environmental Impact Statement (GEIS) report.

The ILDC provided to the Service a proposed Draft Scoping Document (DSD) for review and comment. Thank you for including the Service as an interested agency in the SEQRA process. While the DSD emphasizes that the Master Plan and subsequent environmental review are focused on a 240 acre portion, it is not clear if the documents will be used and/or amended for subsequent actions on the larger site. We recommend that this be clarified in the DSD and GEIS.

In Section 3.3 of the DSD, Water Resources, it is stated that no wetlands are found on site. We note that the referenced National Wetlands Inventory maps are developed by the Service and not the U.S. Army Corps of Engineers. Smokes Creek does bisect the parcel and we recommend the Master Plan consider the current and potential resource value of this stream. We understand that degradation has occurred to the waterbody both on and off site. However, this direct tributary to Lake Erie can provide habitat for a range of organisms and should be afforded an adequate protection buffer on each side of the channel. Therefore, we recommend coordination with the New York State Department of Environmental Conservation (NYSDEC) for available biological and water quality data to be incorporated into the project documents and to solicit conservation recommendations.

Section 3.4 of the DSD reviews ecological resources which potentially may be studied and considered in the Master Plan. This section mentions the minimal amount of vegetation and habitat located within the proposed site. We agree that years of industrial use have left the site of

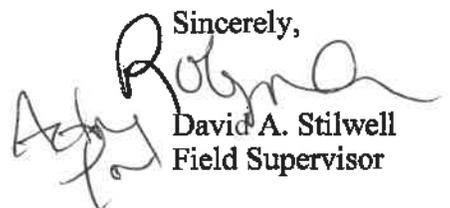
limited value to wildlife. However, wildlife studies at the adjacent Steel Winds project has established what species use the area and this information can inform the project documents. Likewise, we recommend you contact the NYSDEC for data on the significant gull colony located adjacent to the site. Ten years of monitoring by the NYSDEC has documented on average over 25,000 pairs of gulls annually using the shoreline area to the northwest of the project site. We recommend you contact NYSDEC for study recommendations and relevant data.

It would be prudent for the ILDC to consider any potential indirect impacts to the colony and measures to mitigate impacts. For example, increased human activity associated with construction should be timed for outside of the breeding season (generally May to July), to the extent possible. Further, appropriate buffers should be established for human activity both during construction and after site development. Consideration should be given to avoiding an attractive nuisance on the project site to reduce potential human/gull conflicts (avoid building flat roofs which facilitate roosting and nesting, avoid outside dining areas, etc.). Although the DSD and GEIS are focused on one portion of the site, this may be an appropriate time for the ILDC and other site entities to consider permanent buffers and site restoration measures to benefit the colony. Trash removal, permanent fencing, signage, vegetation management, erosion control, etc., could be positive for the colony and allow coexistence with human activities.

We offer the following comments pursuant to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). As stated in the DSD, the project is within the summer range of the federally listed threatened northern long-eared bat (*Myotis septentrionalis*). Although the DSD indicates that no habitat exists for the species, trees are listed as occurring on the site. However, no additional data are provided. More information should be gathered as part of the scoping process or appropriate current information be provided in the GEIS to substantiate the statement. It is important to note that fatalities of this species have been documented at the adjacent Steel Winds project. We recommend the project sponsor coordinate directly with our office to assess the potential for impacts to this species and determine if conservation measures may be appropriate.

Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the NYSDEC.

We appreciate the opportunity to provide these comments. If you have questions or need additional assistance, please contact Tim Sullivan at 607-753-9334. Future correspondence with us on this project should reference project file 18TA3327.

Sincerely,

David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, Buffalo, NY (Attn: Env. Permits)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

December 12, 2019

Mr. John Cappellino, Executive Vice President
Industrial Land Development Corporation (ILDC)
95 Perry St. Suite 403
Buffalo, New York 14203

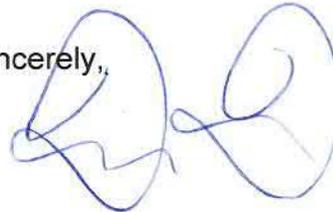
Dear Mr. Cappellino,

**Draft Scoping Document Review
ILDC Advanced Manufacturing Park
2303 Hamburg Turnpike
City of Lackawanna, Erie County**

Thank you for the opportunity to review correspondence dated November 21, 2019 which requested this Department's review and comments of the Draft Scoping Document that has been prepared for the above-referenced project proposal. DEC currently does not have comments regarding this document. Please keep this office apprised as project plans develop.

If you have any questions, please feel free to contact me or Ms. Kerri Pickard-DePriest at 716/851-7165.

Sincerely,



David S Denk
Regional Permit Administrator

KPD

ecc: Mr. Stan Radon, NYSDEC Division of Remediation
Mr. William Smythe, NYSDEC Division of Water
Ms. Connie Adams, NYSDEC Division of Fish and Wildlife
Mr. Theodore Myers, NYSDEC Division of Water

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9
270 Michigan Avenue, Buffalo, NY 14203-2915
P: (716) 851-7165 | F: (716) 851-7168
www.dec.ny.gov

October 29, 2019

Mr. John Cappellino, Executive Vice President
Industrial Land Development Corporation (ILDC)
95 Perry St. Suite 403
Buffalo, New York 14203

Dear Mr. Cappellino,

**SEQR Lead Agency Designation
ILDC Advanced Manufacturing Park
Infrastructure Master Plan
City of Lackawanna, Erie County**

This is to acknowledge receipt of your September 30, 2019 notice which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The Department concurs that the ILDC should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance. However, please be advised of the following:

1. It is noted that the proposed project area includes Brownfield Cleanup Program (BCP) Tecumseh Business Park Phases I and II. Please continue to coordinate with the NYSDEC Division of Remediation as project plans develop. Questions regarding the BCP can be directed to Mr. Stan Radon with the Division of Environmental Remediation at 716/851-7220.
2. The proposed project area boundaries contain a portion of the NYSDEC Lackawanna Flood Protection Project on Smokes Creek. An Article 16 Flood Control Land Use Permit would be required for any use of Flood Protection Project lands. Permit application materials are available from Mr. Theodore Myers, P.E., Regional Flood Control Engineer, by writing to the Division of Water at 270 Michigan Avenue, Buffalo, New York 14203, or by telephone at 716/851-7070. Completed applications should be submitted to the Department at least twelve weeks prior to the anticipated start of work. A parallel USCOE Section 408 permission may also be required.
3. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of

Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-15-002, as well as the NOI form, is available on the Department's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the Department's website at www.dec.ny.gov/chemical/8468.html.

The City of Lackawanna is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of a regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principle executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the NOI, to the Department at NOTICE OF INTENT, NYSDEC, Bureau of Water Permits, 625 Broadway, 4th Floor, Albany, New York 12233-3505, telephone: 518/402-8111 to receive Department approval before construction commences.

4. Please be aware that if this proposed project will require a sanitary sewer connection that is designed to convey 2,500 gallons/day or more of municipal sewage, it will be considered a sanitary sewer extension. The Erie County Health Department, 503 Kensington Avenue, Buffalo, New York 14214, telephone: 716/961-6800 which acts as our agent, will be the approving agency.

As such, this office would require a detailed Downstream Sewer Capacity Analysis to be performed and submitted for the project as part of the Project's Engineering Report. Recent wet weather flow monitoring data and proposed new development flow should be analyzed relative to theoretical capacity at key nodes in the downstream sewer system and at pump stations (if any) to determine if capacity exists.

Recent wet weather system flow data can consist of:

- Comprehensive information from recent Sanitary Sewer System Evaluation Studies, or
- Wet weather data collected at (minimum of 3) key downstream nodes specified by the municipality.
 - This dated information can consist of instantaneous flow measurements, or continuous flow or sewer depth measurements obtained during significant wet weather events, preferably during high groundwater conditions. Peak sewer flow recording methods are an acceptable method to collect this information.
 - Depth or flow measurements should continue until a significant wet weather event occurs but would not have to extend beyond three

months. A significant wet weather event is considered to be a daily rainfall amount of ½" or greater.

The Downstream Sewer Capacity Analysis must also contain a narrative and a detailed map showing the downstream routing of sewers from the proposed project site to the Wastewater Treatment Plant. Line sizes, theoretical capacity, and pump stations must be identified and included in the analysis.

This Downstream Sewer Capacity Analysis, as well as any required infiltration and inflow (I/I) rehabilitation offset work at a 4:1 ratio, should be part of the Project's Engineering Report. These items must be received as part of a complete sanitary sewer extension plan submission from the municipality (sewer owner) that signs the "Application for Approval of Plans" form. If adequate capacity is not available, the sewer extension will not be approved until an acceptable remediation plan is developed.

The above guidance will help in the preparation of a complete Sewer Extension submission, which will facilitate our review. If you have any questions or require additional information, please contact our office, NYSDEC, Region 9 Buffalo Office, Division of Water, telephone: 716/851-7070), or the Erie County Health Department.

5. We have reviewed the available information in the New York State Natural Heritage Program databases on known occurrences of rare or state-listed animals and plants, of significant natural communities, and other significant habitats. An occurrence of the endangered peregrine falcon, *Falco peregrinus*, was found in the vicinity of the project site. If populations of the endangered or threatened species are found to be in the project area, project modification should be considered to avoid or minimize impact. Additionally, if your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

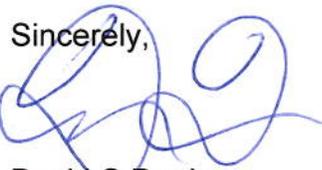
6. Please be advised that the site is located within a Potential Environmental Justice Area. If environmental quality permits are required for the proposed project, the project sponsor should review NYSDEC's Commissioner Policy 29 Environmental Justice and Permitting. For additional information, including a link

Mr. John Cappellino
October 29, 2019
Page 4

to the text of this policy, please see our Department web site at
<http://www.dec.ny.gov/public/36929.html>

7. It was noted on the Federal Emergency Management Agency's (FEMA) FIRM Map No, 36029C0336H that the site is located within the designated 100-year floodplain. The proposed project should be designed in accordance all applicable local municipal laws for flood damage reduction.

If you have any questions, please feel free to contact me or Ms. Kerri Pickard-DePriest at 716/851-7165.

Sincerely,


David S Denk
Regional Permit Administrator

KPD: mll

ecc: Mr. Stan Radon, NYSDEC Division of Remediation
Mr. William Smythe, NYSDEC Division of Water
Ms. Connie Adams, NYSDEC Division of Fish and Wildlife
Mr. Theodore Myers, NYSDEC Division of Water

**BUFFALO AND ERIE COUNTY INDUSTRIAL LAND
DEVELOPMENT CORPORATION**

SEQRA LEAD AGENCY AND POSITIVE DECLARATION RESOLUTION

(BETHLEHEM STEEL SITE)

A regular meeting of the Buffalo and Erie County Industrial Land Development Corporation was convened October 23, 2019, at 1:00 p.m.

The following resolution was duly offered and seconded, to wit:

**RESOLUTION OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL
LAND DEVELOPMENT CORPORATION ACCEPTING LEAD AGENCY
STATUS WITH RESPECT TO THE ADVANCED MANUFACTURING PARK
INFRASTRUCTURE MASTER PLAN AND ISSUING A POSITIVE
DECLARATION PURSUANT TO THE NEW YORK STATE
ENVIRONMENTAL QUALITY REVIEW ACT**

WHEREAS, the ILDC is authorized and empowered by Section 1411 of the Not-for-Profit Corporation Law of the State of New York, as amended (the "NFP Law"), to relieve and reduce unemployment, promote and provide for additional and maximum employment, better and maintain job opportunities in Erie County (the "County") and lessen the burdens of government and act in the public interest; and

WHEREAS, the ILDC owns approximately 150 acres of real property located within the former Bethlehem Steel Site in Lackawanna, New York and is currently in negotiations to purchase an additional 92 acre parcel of real property also located within the former Bethlehem Steel Site in Lackawanna, New York (collectively, the "Real Property"); and

WHEREAS, on March 21, 2019, the ILDC resolved to enter into a professional service contract with professional consultants to undertake an infrastructure utility master plan and Generic Environmental Impact Statement Analysis and thereafter to immediately begin the process of planned redevelopment of the Real Property for commercial and industrial purposes to promote and encourage job creation and new investment for the benefit of the residents of Erie County (the "ILDC Advanced Manufacturing Park Infrastructure Master Plan"); and

WHEREAS, the ILDC must comply with Article 8 of the New York Environmental Conservation Law and the regulations adopted thereto (collectively referred to as "SEQRA"), and determine whether or not the ILDC Advanced Manufacturing Park Infrastructure Master Plan presents a potential significant adverse environmental impact requiring the preparation of an environmental impact statement pursuant to SEQRA; and

WHEREAS, in furtherance of its consideration of its ILDC Advanced Manufacturing Park Infrastructure Master Plan, the ILDC has prepared Part 1 of the SEQRA Full Environmental Assessment Form (“EAF”) and notified the applicable/involved governmental agencies and other interested parties of the ILDC’s intent to act as Lead Agency with respect to the ILDC Advanced Manufacturing Park Infrastructure Master Plan, and provided same with the EAF; and

WHEREAS, as required by the SEQRA regulations, the ILDC has reviewed the EAF for the ILDC Advanced Manufacturing Park Infrastructure Master Plan and has identified the relevant areas of environmental concern and has taken a hard look at those concerns, considering both the magnitude and importance of each impact; and

WHEREAS, the ILDC has caused the preparation of Part 2 and Part 3 of the EAF, which identified potential adverse environmental impacts resulting from the implementation of the ILDC Advanced Manufacturing Park Infrastructure Master Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF DIRECTORS OF THE BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION AS FOLLOWS:

Section 1. The ILDC hereby ratifies and confirms all actions taken, to date, by ILDC staff with respect to SEQRA compliance as so related to the development and consideration of the ILDC Advanced Manufacturing Park Infrastructure Master Plan.

Section 2. The ILDC confirms that the proposed adoption and implementation of the ILDC Advanced Manufacturing Park Infrastructure Master Plan is a Type I SEQRA Action.

Section 3. Pursuant to applicable SEQRA procedure, in the event that no other involved agency objects during the requisite 30-day time period following the ILDC’s notification to applicable governmental agencies and other interested parties of the Agency’s intent to act as Lead Agency in connection with the SEQRA review for the ILDC Advanced Manufacturing Park Infrastructure Master Plan, the ILDC shall act as Lead Agency for the ILDC Advanced Manufacturing Park Infrastructure Master Plan.

Section 4. The ILDC hereby approves EAF Part 2 and EAF Part 3 and determines that the adoption and implementation of the ILDC Advanced Manufacturing Park Infrastructure Master Plan may result in one or more large impacts that may have a significant impact on the environment.

Section 5. The ILDC determines: (i) that a Positive Declaration, as that term is defined by the SEQRA regulations, is required for the ILDC Advanced Manufacturing Park Infrastructure Master Plan, (ii) hereby adopts the contents and conclusion set forth in the Positive Declaration as attached hereto as Exhibit A regarding the potential environmental impacts if the ILDC Advanced Manufacturing Park Infrastructure Master Plan is adopted and implemented, (iii) directs that a notice of the Positive Declaration be filed in accordance with the requirements of SEQRA, and (iv) further determines that a Draft Generic Environmental Impact Statement (“DGEIS”) shall be prepared as applicable.

Section 6. The ILDC directs that a Draft Scoping Document for the DGEIS be sent to all applicable involved agencies and interested agencies, and copies of the Draft Scoping Document be made available for the general public to review at locations determined to be appropriate by the ILDC in conjunction with the City of Lackawanna.

Section 7. The ILDC directs that a public comment period be established wherein written comments on the Draft Scoping Document can be submitted by the general public to Mr. John Cappellino, Executive Vice President, of the ILDC, for the purpose of receiving and considering public comment on the Draft Scoping Document in order to prepare a Final Scoping Document

Section 8. The ILDC further directs that due and proper notice be given of a public meeting relative to the Draft Scoping Document to be held on such date and time, and at such location, to be determined by the Executive Vice President of the ILDC working in conjunction with the City of Lackawanna, for the purpose of hearing and considering public comment on the Draft Scoping Document in order to prepare a Final Scoping Document.

Section 9. The ILDC directs that a notice of this resolution shall be filed and circulated to the extent required by any applicable ordinance, statute or regulation.

Section 10. The ILDC hereby authorizes and directs that ILDC staff, agents, employees, and consultants undertake any such other and further action as may be necessary to meet the ILDC's obligations as Lead Agency or as otherwise might be appropriate in its role as Lead Agency.

Section 11. This Resolution shall take effect immediately upon adoption.

Exhibit A

Positive Declaration

State Environmental Quality Review
Determination of Significance
POSITIVE DECLARATION
Notice of Intent to Prepare a Draft Generic EIS

BUFFALO AND ERIE COUNTY INDUSTRIAL DEVELOPMENT CORPORATION
INFRASTRUCTURE MASTER PLAN FOR ADVANCED MANUFACTURING PARK
CITY OF LACKAWANNA, ERIE COUNTY, NEW YORK
October 23, 2019

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (hereinafter, the "State Environmental Quality Review Act" or "SEQR").

The Buffalo and Erie County Industrial Land Development Corporation ("ILDC"), as Lead Agency, has determined that the Proposed Action described below may result in one or more large and important impacts that may have significant effect on the environment and that a Draft Generic Environmental Impact Statement ("GEIS") will be prepared. The ILDC has also determined that the use of a generic form of the environmental impact statement is appropriate for the following reasons: the Master Plan is one action in a sequence of actions contemplated by the ILDC related to the redevelopment of the site, and the Master Plan is part of the larger program or plan for the site having wide application to a range of future development projects.

Name of Proposed Action: Implementation of Infrastructure Master Plan for the
ILDC Advanced Manufacturing Park

SEQR Status: The Proposed Action is classified as a Type 1 Action because at a minimum the following thresholds in Part 617.4(b) would be exceeded:

- o the acquisition, sale, lease, annexation or other transfer of 100 or more contiguous acres of land by a state or local agency;
- o a project or action that involves the physical alteration of 10 acres;
- o parking for 1,000 vehicles
- o in a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area

Review Type Coordinated Review

Scoping: A Draft Scoping Document will be circulated to the potential Involved Agencies for consideration and input. The Draft Scoping Document will be available on the ILDC website:

<https://www.ecidany.com>. A public scoping meeting will also be held to obtain additional information from the public. A Final Scoping Document will be prepared based on input from the involved agencies and the public.

Description of

Action:

The Proposed Action subject to SEQR is the preparation and implementation of the Infrastructure Master Plan for the ILDC Advanced Manufacturing Park to guide the redevelopment of a portion of the former Bethlehem Steel Corporation (BSC) steel plant in Lackawanna, New York (Master Plan or the Project).

Implementation of the Project includes seeking Shovel Ready Certification as a "Multi-Tenant Business and Technology Park" site.

It is intended that the Project will result in the installation of public streets, water, sewer, and private utility infrastructure. The Master Plan is being prepared to support the future subdivision and redevelopment of the site for a mix of commercial, business, advanced manufacturing, and light and medium density industrial facilities consistent with the land uses allowed in the Bethlehem Redevelopment Area - Light and Medium Industry zoning districts. The ILDC intends to subdivide and sell individual lots for private development ranging in size from 5.8 acres to 67.3 acres. The lots are arranged along a proposed street layout (approximately 4,025 linear feet) which provides access to one of four new public streets. An additional 4,925 linear feet of streets are identified to accommodate further subdivision and to provide interconnection between the four access points to NYS Route 5. The Master Plan is intended to be flexible in its implementation in order to meet varying market demands in terms of lot size, access and infrastructure and to be capable of being built-out in phases.

Location:

The project area consists of approximately 240 acres at 2303 Hamburg Turnpike (west side of NYS Route 5) in the City of Lackawanna, NY 14218.

The Project site consists of a portion of the larger tax map parcel (approximately 1,100-acres) identified as SBL 141.11-1-48-13 and a portion of SBL 141.11-1-48.11.

Reasons Supporting This Determination:

1. **Impact on Land:** The Project will involve construction on, and physical alternation of, the land surface of the site. Under current zoning, the Project could result in permanent conversion of up to approximately 183 acres of currently vacant land to impervious land cover (buildings, parking and roads). Potential impacts to land resources should be further assessed.
2. **Impacts on Geological Features:** The Project will not result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves), as these resources have not been identified on site. It is anticipated that earthwork associated with development of the site infrastructure will not impact bedrock beneath the property. If any impacts were to occur, it would likely be restricted to the regolith overlying bedrock. No blasting or excavation of large amounts of bedrock is anticipated. Therefore, significant adverse impacts to geological features are not anticipated to occur from the implementation of the Master Plan and further assessment is not warranted.
3. **Impacts on Surface Water:** There are no significant surface water resources located on the Project site. However, implantation of the Master Plan may affect nearby surface water bodies. During the construction of each phase of project development, the potential exists for silt-laden stormwater drainage from construction areas to enter adjacent surface waters (Smokes Creek and Lake Erie). Potential impacts to surface waters should be further assessed.
4. **Impact on Groundwater:** Construction of the Project may have the potential to introduce contaminants to ground water or an aquifer, although it is anticipated that potential impacts can be avoided and no adverse impact or only a small impact on existing groundwater quality or quantity will result. The site does not overlie any Primary Aquifers or Principal Aquifers. The site will be served by the Erie County Water Authority and future development will not use groundwater for potable water purposes. Potential impacts to groundwater should be further assessed.
5. **Impact on Flooding:** Implementation of the Master Plan may result in development on lands subject to flooding as identified by the Federal Emergency Management Agency. The Project is in the area covered by the FEMA Flood Insurance Rate Map Community Panel 3602470001B, having an effective date of July 2, 1980. The 1980 effective map indicates

that the majority of the Project Site is in Zone C (“areas of minimal flooding”). The southern portion of the Project Site is in Zone B (“...areas subject to 100-year flooding with average depths less than 1 foot...”).

FEMA has preliminary floodplain mapping that is anticipated to go into effect prior to redevelopment of the site. The latest mapping indicates the southern portion of the Project Site to be in the 500-year floodplain (0.2% annual chance flood hazard). Any future industrial development that may be in the 100-year floodplain will be subject to applicable building standards as stated in the City of Lackawanna’s Zoning Code relevant to Flood Development Permits. For these reasons, significant adverse impacts from flooding are not anticipated to occur from the implementation of the Master Plan.

6. Impacts on Air: Future build out of the Advanced Manufacturing Park may include State or Federal-regulated air emission sources, which cannot be known until site-specific proposals are received for each individual lot. Consequently, quantitative assessment of potential impacts from air emissions cannot be conducted until future site-specific proposals are received. However, future industrial or manufacturing will have to meet the applicable State and Federal permit standards. Therefore, although detailed assessment cannot be conducted at this time, it is understood that significant adverse impact to air quality will be minimized and mitigated through the State and Federal air permitting process. Potential impacts to air quality should be further assessed in order to establish thresholds for future SEQOR review.
7. Impact on Plants and Animals: The Project may result in a loss of existing flora or fauna. However, much of the Project site is covered by early successional plant communities on fill-covered ground and previous field investigations have indicated that low densities of bird, mammal, reptile and amphibian species occupy the area. Therefore, significant adverse impacts to wildlife are not anticipated to occur from the implementation of the Master Plan. Potential impacts to plants and animals should be further assessed.
8. Impact on Agricultural Resources: The Project will not impact agricultural resources because there are no agricultural resources on the Project site. Therefore, significant adverse impacts to agricultural resources are not anticipated to result from the implementation of the Master Plan and further assessment is not warranted.
9. Impact on Aesthetic Resources: The anticipated land uses will be different from the current land use patterns on the site, which is currently undeveloped. There are aesthetic resources located within one mile of

the Project site. Although implementation of the Master Plan is not anticipated to result in significant adverse impacts to aesthetic resources, potential impact to those resources should be further assessed.

10. Impact on Historic and Archeological Resources: A Phase IA Archaeological Survey was completed for the Project site in February 2019. Based on their review of the Phase IA Archaeological Survey, the NY SHPO concurred with the report's conclusions that there is very little to no potential for intact archaeological resources to be located within the Project Site due to previous significant disturbance. In a letter dated March 15, 2019, the SHPO determined that no historic properties, including archaeological and/or historic resources, will be affected by the Project. Therefore, significant adverse impacts to historic or archeological resources are not anticipated from the Project and further assessment is not warranted.
11. Impact on Open Space and Recreation: Implementation of the Master Plan will not result in a loss of recreational opportunities or a reduction of existing open space resources because there are no existing recreation or open space resources on the Project site, except for the Shoreline Trail along Route 5, which is proposed to be extended in the Master Plan. Therefore, the Project will not result in and significant adverse impacts to recreation or open space opportunities and further assessment of open space impacts is not warranted.
12. Impact on Critical Environmental Areas: The Project site is not located within a designated CEA and therefore, implementation of the Master Plan will not result in any impact to resources in a CEA and no further assessment is warranted.
13. Impact on Transportation: Development of the Project involves construction of new public streets and may result in increases in local traffic. A traffic impact study is being undertaken to establish baseline traffic conditions and to determine the future volume upon full buildout of the Project. Although traffic and parking will increase, it is anticipated that the traffic impact study will identify mitigation measures to reduce the impact to the existing road network.
14. Impact on Energy: Implementation of the Master Plan will involve construction and operation of advanced manufacturing facilities and light and medium industrial operations. As such, energy consumption of fossil fuels will be required for construction and operation of those facilities. Although it is not anticipated that the Project will result in a significant adverse impact on energy resources, further assessment should be conducted.

15. Impact on Noise, Odor, and Light: Build out of the individual industrial lots may result in an increase in noise, odors, or outdoor lighting on the Project site that has been essentially vacant for over 25 years. However, quantitative assessment of potential impacts from Noise, odors and light cannot be conducted until future site-specific proposals are received. Noise related to construction (temporary) and operational traffic are anticipated to produce noise levels higher than the existing ambient conditions. The potential noise and lighting impacts associated with new operations are anticipated to be mitigated by the adherence of the City's zoning and noise regulations. However, further assessment of noise, odor and light impacts should be conducted.

16. Impact on Human Health: Construction activities related to the implementation of the Master Plan may result in potential impact on human health from exposure to new or existing sources of contaminants. Project build-out may involve excavation below the existing 1-foot of clean cover for general site preparation, grading and installation of utilities, or building foundations. Potential impacts are anticipated to be temporary and limited to construction activities because post-construction there will be a minimum of 1-foot of clean cover throughout the Project Site. All excavations will be conducted in accordance with the SMP, ICs and ECs as described in the Environmental Easement. Therefore, it is anticipated that any potential impacts to human health resulting from implementation of the Master Plan will be mitigated. However, further assessment and documentation should be conducted.

17. Consistency with Community Plans: Although a key objective of the Master Plan is to facilitate redevelopment of the Project site, implementation of the Master Plan is consistent with recent planning initiatives which include:

- a. City Comprehensive Plan - adopted June 2017,
- b. Zoning - as amended May 2018,
- c. Preliminary Draft Local Waterfront Revitalization Program - May 2018. and
- d. Step 3 of the Draft Brownfield Opportunity Area Step 3 Implementation Strategy - November 2018.

The Master Plan's consistency with these planning efforts should be documented.

18. Consistency with Community Character: The Project is consistent with the past and current existing community character in that it facilitates development of new advanced manufacturing facilities will replace the heavy industrial use when the site was operated by Bethlehem Steel Corporation as a steel plant. New investment and

redevelopment of the Project site is intended to revitalize the area with modern manufacturing and industrial facilities in an area historically characterized by heavy industry. The potential changes to community character should be further assessed.

For Further Information:

Contact Person: John Cappellino, Executive Vice President

Address: Buffalo and Erie County Industrial Development Corporation
95 Perry Street, Suite 403
Buffalo, NY 14203

Telephone Number: 716-856-6525
jcappell@ecidany.com

A copy of this notice must be sent to:

Department of Environmental Conservation
Any person requesting a copy
Potential Involved Agencies
Environmental Notice Bulletin

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

FULL EAF PART 3
EVALUATION OF THE MAGNITUDE AND IMPORTANCE OF PROJECT IMPACTS AND
DETERMINATION OF SIGNIFICANCE

BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION
ADVANCED MANUFACTURING PARK INFRASTRUCTURE MASTER PLAN
CITY OF LACKAWANNA, ERIE COUNTY, NEW YORK

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) is preparing an Infrastructure Master Plan for the ILDC Advanced Manufacturing Park to guide the redevelopment of a portion of the former Bethlehem Steel Corporation (BSC) steel plant in Lackawanna, New York (Master Plan or the Project). The project area consists of approximately 240 acres at 2303 Hamburg Turnpike (west side of NYS Route 5), a portion of the larger tax map parcel (approximately 1,100-acres) identified as SBL 141.11-1-48-13 and a portion of SBL 141.11-1-48.11.

Implementation of the Master Plan will include the installation of public streets, water, sewer, and private utility infrastructure. The Master Plan is being prepared to support of future subdivision and redevelopment of the site for a mix of commercial, business, advanced manufacturing, and light and medium density industrial facilities consistent with the land uses allowed in the Bethlehem Redevelopment Area - Light and Medium Industry Districts. The ILDC intends to subdivide and sell individual lots for private development ranging in size from 5.8 acres to 67.3 acres. The lots are arranged along a proposed street layout, approximately 4,025 linear feet, which provides access to one of four new public streets. An additional 4,925 linear feet of streets are identified to accommodate further subdivision and to provide interconnection between the four access points to NYS Route 5. The Master Plan is intended to be flexible in its implementation in order to meet varying market demands in terms of lot size, access and infrastructure and to be capable of being built-out in phases.

After evaluation of Part 1 and 2 of the Full Environmental Assessment Form (FEAF) and Project plans, the ILDC has determined that the following resources will not be significantly impacted by the Project:

- Geological Features;
- Agricultural Resources;
- Historic and Archeological Resources;
- Open Space and Recreation; and
- Critical Environmental Areas

However, after evaluation of Part 1 and 2 of the Full Environmental Assessment Form and Project plans, the ILDC has determined that because certain thresholds are triggered, the Project may result in a moderate to large impact on the following resources, and further assessment may be necessary:

- Land
- Surface Water Resources
- Groundwater Resources
- Flooding
- Air Quality
- Plants and Animal Resources
- Aesthetic Resources
- Transportation
- Energy
- Noise, Odor and Light
- Human Health
- Consistency with Community Plans
- Consistency with Community Character

A detailed evaluation of each resource area on the FEAF Part 2 follows.

1. Impact on Land

Yes, the proposed action may involve construction on, or physical alternation of, the land surface of the proposed site.

The Project is proposed to be constructed in multiple phases over multiple years. It will consist of phased construction of infrastructure as needed to serve new industrial lots as they are sold and developed. Each individual development project will be subject to Site Plan Review and/or Special Use permit review by the Planning Board. Therefore, it is anticipated that potential adverse impacts from redevelopment of the Project Site will be mitigated though land use controls established by the City of Lackawanna zoning procedures and development standards.

Project build-out may involve the excavation of more than 1,000 tons of natural materials for general site preparation, grading and installation of utilities, or building foundations. The Project site is designated for redevelopment under the New York State Brownfield Cleanup Program (BCP). Under this program, the Project Site has an Environmental Easement which enforces a restriction on the new uses to limit human or environmental exposure. All excavations will be conducted in accordance with the Site Management Plan (SMP) and all Institutional Controls (ICs) and Engineering Controls (ECs) as described in the Environmental Easement. Therefore, it is anticipated that any potential adverse impacts related to excavations in within the BCP parcels will be mitigated by adherence to the SMP. However, further assessment and documentation through the SEQR process is necessary.

2. Impacts on Geological Features

No, the proposed action will not result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).

It is anticipated that earthwork associated with development of the property will not impact bedrock beneath the property. If any impacts were to occur, it would likely be restricted to the regolith overlying bedrock. No blasting or excavation of large amounts of bedrock is anticipated. Therefore, significant adverse impacts to geological features are not anticipated to occur from the implementation of the Master Plan.

3. Impacts on Surface Water

Yes, the proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes).

There are no significant surface water resources located within the Project Site. As part of infrastructure development within the Project Site, stormwater management techniques will be implemented. During the construction of each phase of project development, the potential exists for silt-laden stormwater drainage from construction areas to enter adjacent surface waters. Also, industrial build-out of the property will result in an increase in stormwater peak flow and volume due to the conversion of pervious land into impervious surfaces such as, buildings, roads and parking lot surfaces.

A Stormwater Pollution Prevention Plan(s) (SWPPP) is required for coverage under the NYSDEC State Pollutant Discharge Elimination System General Permit for the treatment and management of Stormwater Discharges from Construction Activities associated with development of the Project. Future development of the individual lots/projects will comply with applicable state and local regulations regarding stormwater and therefore, no adverse impacts to surface waters are anticipated.

4. Impact on Groundwater

Yes, the proposed action may result in new or additional use of groundwater or may have the potential to introduce contaminants to ground water or an aquifer.

Development of the lots/projects is anticipated to have no adverse impact or only a small impact on existing groundwater quality or quantity. The property site does not overlie any Primary Aquifers or Principal Aquifers. Therefore, groundwater will not be impacted by construction activities. Facilities developed on the property would not use groundwater for potable water purposes or any other purpose. The site will be served by the Erie County Water Authority.

5. Impact on Flooding

Yes, the proposed action may result in development on lands subject to flooding.

The Project is located in the area covered by the FEMA Flood Insurance Rate Map Community Panel 3602470001B, having an effective date of July 2, 1980. The 1980 effective map indicates that the majority of the Project Site is located in Zone C ("areas of minimal flooding"). The southern portion of the Project Site is located in Zone B

("...areas subject to 100-year flooding with average depths less than 1 foot..."), and the area directly along Smokes Creek is located in Zone A ("Areas of 100-year flooding...").

FEMA has preliminary floodplain mapping that is anticipated to go into effect in the near future – prior to redevelopment of the site. The latest mapping indicates the southern portion of the Project Site to be located in the 500-year floodplain (0.2% annual chance flood hazard). Similar to the FIRM map currently in effect, the Smokes Creek corridor is located in the 100-year floodplain (1% Annual chance flood hazard). However, the majority of the Smokes Creek corridor is not located on land that the ILDC owns or will own and is therefore not in the Project Site. In accordance with the IC's and current zoning, new development will not include residential use.

Any future industrial development that may be located in the 100-year floodplain will be subject to applicable building standards as stated in the City of Lackawanna's Town Zoning Code § 230-68 – Flood Development Permits.

For these reasons, significant adverse impacts from flooding are not anticipated to occur from the implementation of the Master Plan.

6. Impacts on Air

Yes, the proposed action may include a state regulated air emission source.

Air emissions are to be determined (TBD) but no adverse impact or only small impacts are anticipated to occur.

7. Impact on Plants and Animals

Yes, the proposed action may result in a loss of flora or fauna.

Wildlife on and in the vicinity of the Project Site is typical of wildlife found in urban areas. The vacant land on the property currently provides feeding, resting and breeding opportunities for several wildlife species. However, previous field investigations of the Project Site determined low densities of bird, mammal, reptile and amphibian species occupy the study area.

It is anticipated that upon completion of buildout of all the development parcels, the remaining area not covered by buildings, parking or roads will be landscaped.

Redevelopment of the Project Site will result in temporary and permanent impacts (displacement) to wildlife resources. Project construction may result in the mortality of less mobile fauna such as small rodents, insectivores, reptiles, and amphibians. Larger mammals such as deer, raccoon, skunk, and opossum tend to be far-ranging and opportunistic and would be minimally impacted. The majority of the species inhabiting the Project Site are common in the general region and will continue to occupy areas in the vicinity of the property. Some bird species will be displaced by construction. The density of these birds is typically low, and the actual number of birds displaced would also be expected to be low.

Therefore, significant adverse impacts to wildlife are not anticipated to occur from the implementation of the Master Plan.

8. Impact on Agricultural Resources

No, the proposed action would not impact agricultural resources.

The Project Site does not include any agricultural resources and is not zoned for agricultural uses (allowed uses include light and medium industry) the Project Site is not located in a NYS-designated Agricultural District. Therefore, significant adverse impacts to agricultural resources are not anticipated to occur from the implementation of the Master Plan.

9. Impact on Aesthetic Resources-

Yes, the land use of the proposed action is different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.

Implementation of the Project may result in changes in the visible landscape that are different from the current conditions and surrounding land uses. Development of the property into a multi-tenant industrial business park will be consistent with other industrial land uses in the City and County. The existing vacant, industrial character of the property will transition to light and medium industrial facilities with associated infrastructure, buildings, parking areas, and landscaping. Views of new development on the Project Site will be available from certain vantage points. Some views will be partially or fully screened by existing vegetation, NYS Route 5, and existing buildings. Views to identified natural Register of Historic Places Listed and Eligible Sites are shown on the attached Visual Resources figure. The closest residential neighborhoods to the Project Site are within Lackawanna's First Ward. These residential neighborhoods will be subject to views of industry, rather than vacant lands, however, the Project will not be out of character for the general area. Setbacks and landscaping will be utilized to soften the appearance of the new development. All new development will be consistent with the City's zoning requirements (§ 230-17 – Bethlehem Redevelopment Area). Although it is not anticipated that implementation of the Master Plan will result in significant adverse impacts to aesthetic resources, further assessment is necessary.

10. Impact on Historic and Archeological Resources

No, the proposed action would not occur in or adjacent to a historic or archaeological resource.

A Phase IA Archaeological Survey was completed for the Master Plan in February 2019 and submitted to SHPO. Based on their review of the Phase IA Archaeological Survey, the NY SHPO concurred with the report's conclusions that there is very little to no potential for intact archaeological resources to be located within the Project Site due to previous significant disturbance. In a letter dated March 15, 2019, the SHPO

determined that no historic properties, including archaeological and/or historic resources, will be affected by the Project. Therefore, significant adverse impacts to historic or archeological resources are not anticipated to occur from the implementation of the Master Plan.

11. Impact on Open Space and Recreation

No, the proposed action will not result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

An extension of a public bicycle trail (Shoreline Trail) from City of Buffalo line south to the Dona Street Extension is located on the western portion of Project Site along NYS Route 5 Hamburg Turnpike. The Master Plan includes a trail head for Shoreline Trail parking. Because there are no existing recreation or open space resources on the Project Site, implementation of the Master Plan will not result in a loss of recreational opportunities or reduction of an open space resource. Therefore, the Project will not result in and significant impacts to recreation or open space opportunities.

12. Impact on Critical Environmental Areas

No, the proposed action is not located within or adjacent to a critical environment area (CEA).

The Project site is not located within a designated CEA and therefore, implementation of the Master Plan will not result in any impact to resources in a CEA.

13. Impact on Transportation

Yes, the proposed action may result in a change to existing transportation systems.

A traffic assessment for the project is being undertaken to establish baseline traffic conditions and to determine the future volume upon full buildout of the project. It is anticipated that the projected traffic may exceed the capacity of the surrounding road network. In addition, implementation of the Master Plan will result in parking for more than 500 vehicles. Although traffic and parking will increase, it is anticipated that the traffic impact study will identify mitigation measures to reduce the impact to the existing road network.

14. Impact on Energy

Yes, the proposed action may cause an increase in the use of any form of energy.

Implementation of the Master Plan will involve construction and operation of light and medium industrial facilities. As such, energy consumption of fossil fuels will be required for construction and operation of those facilities. New construction of facilities within the Project Site will meet or exceed the standards in the Energy Conservation and Construction Code, minimizing the impact on energy resources.

Therefore, it is not anticipated that the Project will result in a significant adverse impact on energy resources.

15. Impact on Noise, Odor, and Light

Yes, the proposed action may result in an increase in noise, odors, or outdoor lighting.

Implementation of the Master Plan will result in construction and operation of new industrial operations, in an area that has been vacant for over 25 years. Noise related to construction (temporary) and operational traffic are anticipated to produce noise levels higher than the existing ambient conditions.

The noise impacts associated with those operations are anticipated to be mitigated by the adherence of the City's zoning and noise regulations. However, further assessment is necessary.

16. Impact on Human Health

Yes, the proposed action may have an impact on human health from exposure to new or existing sources of contaminants.

Given the Project Site's previous use as a steel manufacturing plant and subsequent investigations and remediation activities, the potential for impacts to human health from existing sources of contamination, should be further assessed. The proposed Project build-out may involve excavation of below the existing 1-foot of clean cover for general site preparation, grading and installation of utilities, or building foundations. Potential impacts are anticipated to be temporary and limited to construction activities because post-construction there will be a minimum of 1-foot of clean cover throughout the Project Site.

The Project Site has an Environmental Easement which enforces a restriction on its reuse in order to limit human or environmental exposure, restrict the use of groundwater, and prevent actions that would interfere with the effectiveness of a remedial activities. All excavations will be conducted in accordance with the SMP, ICs and ECs as described in the Environmental Easement. Therefore, it is anticipated that any potential impacts to human health resulting from implementation of the Master Plan will be mitigated. However, further assessment and documentation through the SEQR process is necessary.

17. Consistency with Community Plans

Yes, the proposed action is consistent with adopted land use plans.

Although the Project site is located in an area currently characterized by low density development, implementation of the Master Plan is consistent with the City Comprehensive Plan - adopted June 2017, current zoning - as amended May 2018, Preliminary Draft Local Waterfront Revitalization Program - May 2018. and Step 3 of the Draft Brownfield Opportunity Area Step 3 Implementation Strategy - November 2018. Therefore, it is not anticipated that the implementation of the Master Plan will

result in any significant adverse impacts related to inconsistency with community plans.

18. Consistency with Community Character

Yes, the proposed project is consistent with the existing community character.

Implementation of the Master Plan and the redevelopment of the Project site is intended to facilitate development of advanced manufacturing facilities and other uses allowed under the recently adopted zoning for low and medium industrial development. Total build-out of the site could create 12 new industrial building parcels along up to 8,950 linear feet of new public streets with necessary water, sewer and stormwater infrastructure. The current zoning allows up to approximately 168 acres of land to be developed.

As no residential development will be allowed in the Project Site, there will be no increased demand on schools. However, it is anticipated that any potential adverse impacts related to changes in community character as measured by the increase in demand for community services such as fire, police and emergency services, will be mitigated by the design in accordance with City, County and State standards. Draft documents for the City of Lackawanna Local Waterfront Revitalization Program (LWRP) and the First Ward Brownfield Opportunity Area (BOA) have been completed and, after State review, will be finalized by the City.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	EC Planning	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li data-bbox="121 829 1485 861">i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No <li data-bbox="121 892 1485 924">ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <li data-bbox="121 924 1485 955">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No 		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

Lackawanna BOA Step 3 Implementation Plan, 2018. See Narrative for description of BCP Site activities and BCP Site numbers.

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____ Maximum total is 3,656,000 square feet
 ii. Dimensions (in feet) of largest proposed structure: 60 feet height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: ~3,656,000 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will line extension within an existing district be necessary to serve the project? Yes No

 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- How much impervious surface will the project create in relation to total size of project parcel?
 S Square feet or _____ acres (impervious surface)
 Square feet or _____ acres (parcel size)
- Describe types of new point sources. Stormwater management _____

- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 - If to surface waters, identify receiving water bodies or wetlands: _____

 - Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend TBD
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of semi-trailer truck trips/day: TBD _____
 iii. Parking spaces: Existing TBD Proposed TBD Net increase/decrease TBD
 iv. Does the proposed action include any shared use parking? TBD Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? TBD Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Shoreline Trail Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: TBD _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: See narrative.
 - Describe the type of institutional control (e.g., deed restriction or easement): _____
 - Describe any use limitations: _____
 - Describe any engineering controls: _____
 - Will the project affect the institutional or engineering controls in place? Yes No
 - Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____% of site Unknown
 Moderately Well Drained: _____% of site
 Poorly Drained: _____% of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____% of site Unknown
 10-15%: _____% of site
 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? Yes No
If Yes, describe: _____

h. Surface water features. See narrative

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? See narrative Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
If Yes:
i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No See narrative	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District		
<i>ii.</i> Name: _____		
<i>iii.</i> Brief description of attributes on which listing is based: _____		
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No See narrative	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
<i>i.</i> Describe possible resource(s): _____		
<i>ii.</i> Basis for identification: _____		
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
<i>i.</i> Identify resource: _____		
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____		
<i>iii.</i> Distance between project and resource: _____ miles.		
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
<i>i.</i> Identify the name of the river and its designation: _____		
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?		<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

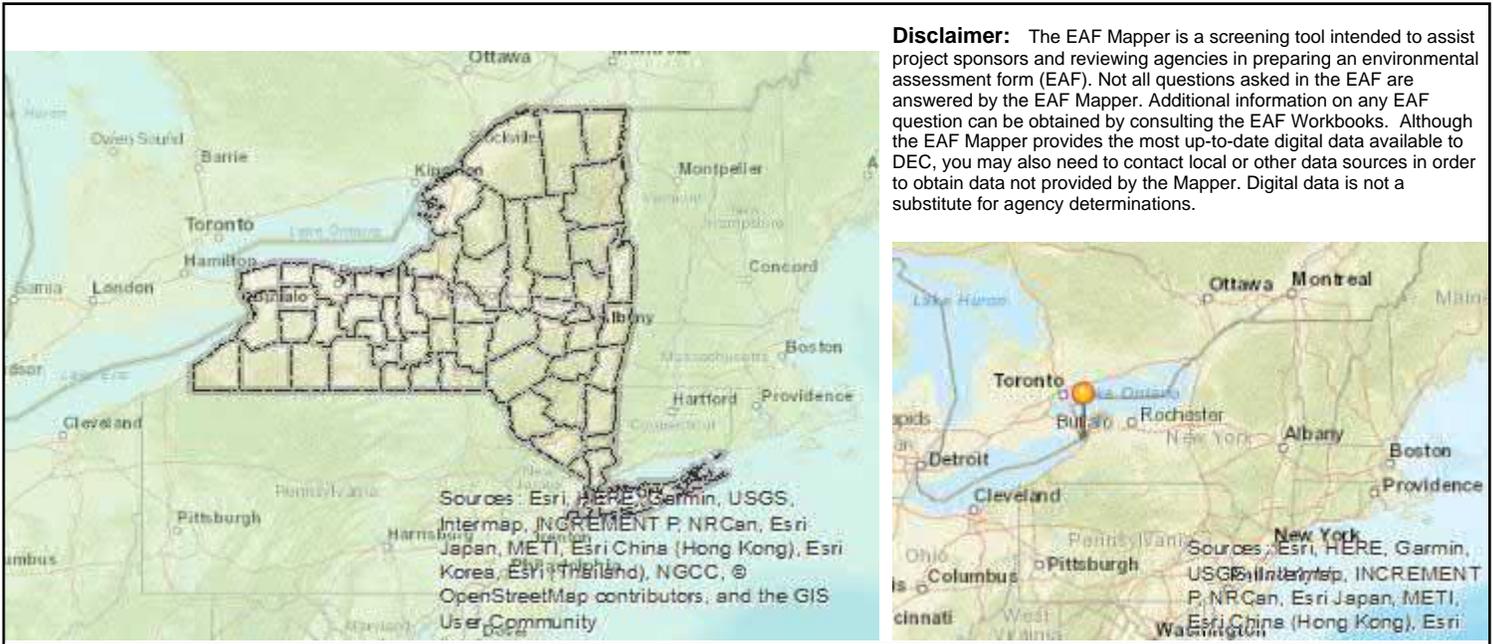
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:C915198, Remediation Sites:C915198C, Remediation Sites:C915198D, Remediation Sites:C915199C, Remediation Sites:C915198B, Remediation Sites:C915197, Remediation Sites:C915197B, Remediation Sites:C915197C, Remediation Sites:C915198E, Remediation Sites:C915198F, Remediation Sites:C915198G, Remediation Sites:C915198H, Remediation Sites:C915198I, Remediation Sites:C915198J, Remediation Sites:C915198K, Remediation Sites:C915198L, Remediation Sites:C915199E, Remediation Sites:C915197I, Remediation Sites:C915197J, Remediation Sites:C915218, Remediation Sites:C915197D, Remediation Sites:C915197E, Remediation Sites:C915197F, Remediation Sites:C915197G, Remediation Sites:C915197H, NYS Heritage Areas:West Erie Canal Corridor
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	C915198, C915198C, C915198D, C915199C, C915198B, C915197, C915197B, C915197C, C915198E, C915198F, C915198G, C915198H, C915198I, C915198J, C915198K, C915198L, C915199E, C915197I, C915197J, C915218, C915197D, C915197E, C915197F, C915197G, C915197H
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes

E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C915199B, C915199D, C915199G, C915199H, C915199I, C915199J, 915009 , C915198, C915198C, C915198D, C915199C, C915198B, C915191, C915197, C915197B, C915197C, C915198E, C915198F, C915198G, C915198H, C915198I, C915198J, C915198K, C915198L, C915199E, C915199F, C915296, 915264, 915266, B00080 , V00625 , 915145 , C915197I, C915197J, C915197K, C915218, E915188 , 915161 , C915197D, C915197E, C915197F, C915197G, C915197H, C915269, 915265, 915267, C915226, C915202, B00164 , V00435 , V00319 , C915240
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	837-225
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Peregrine Falcon, Lake Sturgeon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

FULL EAF PART 1
ADDITIONAL INFORMATION
BUFFALO AND ERIE COUNTY INDUSTRIAL LAND DEVELOPMENT CORPORATION
ADVANCED MANUFACTURING PARK INFRASTRUCTURE MASTER PLAN
CITY OF LACKAWANNA, ERIE COUNTY, NEW YORK
September 19, 2019

Part 1 – Project and Sponsor Information

FEAF item A. Brief Description of Proposed Action

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) is preparing an Infrastructure Master Plan for the ILDC Advanced Manufacturing Park to guide the redevelopment of a portion of the former Bethlehem Steel Corporation (BSC) steel plant in Lackawanna, New York (Master Plan or the Project). The project area consists of approximately 240 acres at 2303 Hamburg Turnpike (west side of NYS Route 5), a portion of the larger tax map parcel (approximately 1,100-acres) identified as SBL 141.11-1-48-13 and a portion of SBL 141.11-1-48.11.

Implementation of the Master Plan will include the installation of public streets, water, sewer, and private utility infrastructure. The Master Plan is being prepared to support of future subdivision and redevelopment of the site for a mix of commercial, business, advanced manufacturing, and light and medium density industrial facilities consistent with the land uses allowed in the Bethlehem Redevelopment Area - Light and Medium Industry Districts. The ILDC intends to subdivide and sell individual lots for private development ranging in size from 5.8 acres to 67.3 acres. The lots are arranged along a proposed street layout, approximately 4,025 linear feet, which provides access to one of four new public streets. An additional 4,925 linear feet of streets are identified to accommodate further subdivision and to provide interconnection between the four access points to NYS Route 5. The Master Plan is intended to be flexible in its implementation in order to meet varying market demands in terms of lot size, access and infrastructure and to be capable of being built-out in phases.

Site Location Map, Aerial Imagery and Master Plan with New York State Brownfield Cleanup Program Parcels (BCP) figures are attached.

FEAF item C.2.b Is the site of the proposed action within any local or regional special planning district...

The project area is part of approximately 1,100 acres of land now or formerly owned by Tecumseh Redevelopment Inc. (Tecumseh). Tecumseh designated five parcels of the 1,100 acres for redevelopment under the New York State BCP. The project area comprises two of the five parcels having the following BCP site designations:

- Tecumseh Phase I Business Park ("Phase I") - NYSDEC Site No. C915197 - 102 acres
- Tecumseh Phase II Business Park ("Phase II") - NYSDEC Site No. C915198 – 143 acres

As presented on the attached figures (Aerial Imagery and Master Plan), Phase I and portions of Phase II are owned by the ILDC; the portions of Phase II not currently owned by ILDC are owned by

Tecumseh. However, the ILDC is currently in the process of purchasing the remaining portions of Phase II. The Phase I and Phase II BCP Sites have been remediated or are slated for further remedial action in accordance with their respective Brownfield Cleanup Agreements (BCAs).

Certificates of Completion (COC) have been issued for Phase I Site Nos. I-1, I-3, I-5, I-7, I-9, I-10, and I-11 (BCP Site Nos. C915197, C915197C, -E, -G, -I, -J, and -K, respectively) and Phase II Site Nos. II-10 and II-12 (BCP Site Nos. C915198J and -L, respectively). Sites that do not yet have a COC issued have remedial work remaining. A summary of COC status is presented on the attached table.

There is a deed restriction on the entire 1,100 acres of Tecumseh-owned property (current/former) that prohibits the use of groundwater. A separate, common Environmental Easement has been executed and recorded for the Phase I and Phase II BCP Sites. The Environmental Easement:

- restricts land use to commercial or industrial applications (note - land use is subject to local zoning laws);
- restricts the use of Site groundwater from use for either potable or non-potable purposes without treatment; and,
- prevents future exposure to any remaining contamination.

The Environmental Easement also requires compliance with the Site Management Plan (SMP) and all Institutional controls (ICs) and engineering controls (ECs). A common SMP covers all the Phase I BCP Sites (except for the Bethlehem Shoreline Trail). Similarly, a separate common SMP covers all the Phase II BCP Sites.

The ILDC owned property encompasses 153.7 acres of land that was purchased from Tecumseh in 2017. This property includes all 11 of the Phase I BCP Sites, the Bethlehem Shoreline Trail Site (divested from BCP Site I-11), and four of the Phase II BCP Sites (II-8, II-10, II-11, and II-12). The BCAs for each of the Phase I and Phase II Sites were amended in 2017 to add ILDC as a Volunteer (an applicant who is not liable for disposal of hazardous waste or discharge of petroleum at the site); the BCA for the Bethlehem Shoreline Trail Site was issued in 2018 with Tecumseh and ILDC as Volunteers.

A BCA-required protective cover system has been placed on BCP Sites I-1, I-3, I-5, I-7, I-9, I-10, I-11, II-10, and II-12. COCs have subsequently been issued for each of these Sites.

NYSDEC issued a letter on June 28, 2017 regarding the remaining six IDLC-owned BCP Sites (Sites I-2, I-4, I-6, I-8, II-8 and II-11) stating that all interim remedial measures required by the Decision Documents for the respective Sites have been completed and that the only remaining action required to obtain COCs for those Sites is placement of the protective cover system.

A COC will be issued for the future contiguous Bethlehem Shoreline Trail Site (to be created from divested property in adjoining BCP sites along its route) once the property has been conveyed to Erie County; the BCA has been amended to add Erie county as a party to the BCA; and the complete BCA-required protective cover system is in place.

An Excavation Work Plan (EWP) is provided as Appendix B of both the Phase I and Phase II SMPs. The EWP provides procedures required to be implemented if the cover system is breached, penetrated, or temporarily removed and any underlying remaining contamination is disturbed. Any intrusive construction work must be performed in compliance with the EWP, as well as the Health and Safety Plan and Community Air Monitoring Plan, which are both also provided as appendices in the respective Phase I and Phase II SMPs.

The remaining area in which the Master Plan and Generic Environmental Impact Statement are being prepared for is owned by Tecumseh and encompasses approximately 90 acres of land. This remaining area comprises eight Phase II BCP Sites, including Sites II-1, II-2, II-3, II-4, II-5, II-6, II-7, and II-9, see attached figure. The ILDC has included this area in its Master Plan because it is currently in the process of purchasing the property that forms these BCP Sites.

All eight Tecumseh-owned Sites require the placement of a protective cover system. The placement of a protective cover system will allow for commercial use, which allows for industrial use. The purpose of the protective cover system is to limit exposure and prevent dispersion of contaminated soils and is necessary before commercial/industrial reuse of the site is possible. Placement of the cover system is required prior to COCs being issued. At Sites II-1, II-6, II-7, and II-9, the only remaining action required to obtain COCs is placement of the cover system.

FEAF item C.3.a Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?

The Project is located within a larger City-designated planning area known as the Bethlehem Redevelopment Area (BRA). The Project area within the BRA is divided into two zoning districts: BRA-Light Industrial (BRA-LI) and BRA-Medium Industrial (BRA-MI).

The Light Industrial District encourages development of offices, research, and development, large retail, wholesale, warehousing, distribution and light manufacturing, with the intent of promoting employment and tax base for the city.

The Medium Industry District encourages 'non-smoke' manufacturing. Allowed uses include enclosed bulk cargo storage and light manufacturing. It is conceived of as a transitional area between the higher-end business park uses along Route 5 and a heavy industrial use district to the west.

The Project area is bisected by the Smokes Creek Overlay (SCO) District. The SCO was established to protect the ecological corridor along Smokes Creek. SCO District follows the creek and prohibits development within 50 feet of its banks.

FEAF item D.1.d. Subdivision

Is the proposed action a subdivision, or does it include a subdivision?

If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types).

The intent of the ILDC is to subdivide the property to create an advanced manufacturing park. While the Master Plan depicts twelve development lots ranging in size from 5.8 acres to 67.3 acres, the intent is to have a flexible street and utility plan that will allow further subdivision depending on market demand.

FEAF item E.1.g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?

If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

and

FEAF item E.1.h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?

If Yes; i. Is there any portion of the site listed on the NYSDEC Spills Incident database or Environmental Site Remediation database? hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?

ii; If site has been subject of RCRA corrective activities, describe control measures:

iv; If yes to (i), (ii) or (iii) above, describe current status of site(s):

v; Is the project site subject to an institutional control limiting property uses?

If yes, DEC site ID number:

The former BSC site has been subject of extensive environmental investigations. The project area is part of approximately 1,100 acres of land now or formerly owned by Tecumseh Redevelopment Inc. (Tecumseh). Tecumseh designated five parcels of the 1,100 acres for redevelopment under the New York State BCP. The project area comprises two of the five parcels having the following BCP site designations:

- Tecumseh Phase I Business Park ("Phase I") - NYSDEC Site No. C915197 - 102 acres
- Tecumseh Phase II Business Park ("Phase II") - NYSDEC Site No. C915198 – 143 acres

As presented on the attached figures (Aerial Imagery and Master Plan), Phase I and portions of Phase II are owned by the Buffalo and ILDC; the portions of Phase II not currently owned by ILDC are owned by Tecumseh. However, the ILDC is currently in the process of purchasing the remaining portions of Phase II. The Phase I and Phase II BCP Sites have been remediated or are slated for further action in accordance with their respective BCAs.

COC have been issued for Phase I Site Nos. I-1, I-3, I-5, I-7, I-9, I-10, and I-11 (BCP Site Nos. C915197, C915197C, -E, -G, -I, -J, and -K, respectively) and Phase II Site Nos. II-10 and II-12 (BCP Site Nos. C915198J and -L, respectively).

There is a deed restriction on the entire 1,100 acres of Tecumseh-owned property (current/former) that prohibits the use of groundwater. A separate, common Environmental Easement has been executed and recorded for the Phase I and Phase II BCP Sites. The Environmental Easement:

- restricts land use to commercial or industrial applications (note - land use is subject to local zoning laws);
- restricts the use of Site groundwater from use for either potable or non-potable purposes without treatment; and,
- prevents future exposure to any remaining contamination.

The Environmental Easement also requires compliance with the Site Management Plan (SMP) and all ICs and engineering controls (ECs). A common SMP covers all the Phase I BCP Sites (except for the Bethlehem Shoreline Trail). Similarly, a separate common SMP covers all the Phase II BCP Sites.

The ILDC owned property encompasses 153.7 acres of land that was purchased from Tecumseh on July 25, 2017. This property includes all 11 of the Phase I BCP Sites, the Bethlehem Shoreline Trail Site (divested from BCP Site I-11), and four of the Phase II BCP Sites (II-8, II-10, II-11, and II-12). The BCAs for each of the Phase I and Phase II Sites were amended in 2017 to add ILDC as a Volunteer (an applicant who is not liable for disposal of hazardous waste or discharge of petroleum at the site); the BCA for the Bethlehem Shoreline Trail Site was issued in 2018 with Tecumseh and ILDC as Volunteers.

A required protective cover system has been placed on BCP Sites I-1, I-3, I-5, I-7, I-9, I-10, I-11, II-10, and II-12. COCs have subsequently been issued for each of these Sites.

NYSDEC issued a letter on June 28, 2017 regarding the remaining six IDLC-owned BCP Sites (Sites I-2, I-4, I-6, I-8, II-8 and II-11) stating that all interim remedial measures required by the Decision Documents for the respective Sites have been completed and that the only remaining action required to obtain COCs for those Sites is placement of the protective cover system.

A COC will be issued for the future contiguous Bethlehem Shoreline Trail Site (to be created from divested property in adjoining BCP sites along its route) once the BCA has been amended and the complete protective cover system is in place.

An Excavation Work Plan (EWP) is provided as Appendix B of both the Phase I and Phase II SMPs. The EWP provides procedures required to be implemented if the cover system is breached, penetrated, or temporarily removed and any underlying remaining contamination is disturbed. Any intrusive construction work must be performed in compliance with the EWP, as well as the Health and Safety Plan and Community Air Monitoring Plan, which are both also provided as appendices in the respective Phase I and Phase II SMPs.

The remaining area in which the Master Plan and Generic Environmental Impact Statement are being prepared for is owned by Tecumseh and encompasses approximately 90 acres of land. This remaining area comprises eight Phase II BCP Sites, including Sites II-1, II-2, II-3, II-4, II-5, II-6, II-7, and II-9, see attached figure. The ILDC has included this area in its Master Plan because they are currently in the process of purchasing the property that forms these BCP Sites.

All eight Tecumseh-owned Sites require the placement of a protective cover system. The placement of a protective cover system will allow for commercial use, which allows for industrial use. The purpose of the protective cover system is to limit exposure and prevent dispersion of contaminated soils and is necessary before commercial/industrial reuse of the site is possible. Placement of the

cover system is required prior to COCs being issued. At Sites II-1, II-6, II-7, and II-9, the only remaining action required to obtain COCs is placement of the cover system.

FEAF item E.2.h. Surface water features.

- i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?
- ii. Do any wetlands or other waterbodies adjoin the project site?

The EAF mapper-generated response indicated that the Project contains wetlands or other waterbodies. A narrow corridor along Smokes Creek runs in an east-west direction bisecting the southern portion of the Project. However, an approximately 150-foot wide corridor along Smokes Creek is not owned by the ILDC and is not included as part of the Master Plan. The attached Wetlands Figure shows the mapped NYS Department of Environmental Conservation and National Wetlands Inventory wetlands in relation to the Project.

FEAF item E.2.j. Is the project site in the 100 year Floodplain?

The Project is located in the area covered by the FEMA Flood Insurance Rate Map community Panel 3602470001B, having an effective date of July 2, 1980. The 1980 effective map indicates that the majority of the Project area is located in Zone C ("areas of minimal flooding"). The southern portion of the Project area is located in Zone B ("...areas subject to 100-year flooding with average depths less than 1 foot..."). And the area directly along Smokes Creek is located in Zone A ("Areas of 100-year flooding...").

It is noted that FEMA has preliminary floodplain mapping that has not yet gone into effect. The latest mapping indicates the southern portion of the Project area to be located in the 500-year floodplain (0.2% annual chance flood hazard). Similar to the effective FIRM map the Smokes Creek corridor is located in the 100-year floodplain (1% Annual chance flood hazard)

FEAF item E.2.o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?

Consultation with the U.S. Fish and Wildlife Service (USFWS) was conducted on September 17, 2018, in order to identify federally threatened, endangered, or candidate species potentially occurring within the Project area. The federally-threatened Northern long-eared bat (*Myotis septentrionalis*) was identified as potentially occurring throughout Erie County. However, no suitable habitat was observed within the Project area during onsite field investigations on October 3, 2018.

The New York State Natural Heritage Program (NHP) was consulted with to identify rare or state-listed animals or plants, or significant natural communities at the Project area. Correspondence with NYNHP on October 19, 2018 indicated that NHP has no records of rare or state-listed species or significant natural communities at the Project area. NHP did indicate that within approximately 0.5 miles of the Project area is a state-threatened peregrine falcon (*Falco peregrinus*) nesting

location and a significant gull colony. Additionally, the state-threatened lake sturgeon (*Acipenser fulvescens*) and mooneye (*Hiodon tergisus*) are located within nearby Lake Erie.

FEAF item E.3.f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?

A Phase IA Archaeological Survey was completed for the ILDC Master Plan in February 2019. Based on their review of the Phase IA Archaeological Survey, the SHPO concurred with the report's conclusions. In a letter dated March 15, 2019, the SHPO determined that no historic properties, including archaeological and/or historic resources, will be affected by the Project.

FEAF item E.3.h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?

The Project is directly adjacent to the Great Lakes Seaway Trail (NYS Route 5), a National-designated Scenic Byway. Also within 5 miles of the Project:

- NYS-designated Scenic Byway called WNY Southtowns (NYS Route 219) - approximately 3.5 miles
- Buffalo Harbor State Park - approximately 0.8 miles
- Woodlawn Beach State Park - approximately 0.4 miles



**CITY OF LACKAWANNA
DEPARTMENT OF DEVELOPMENT**

714 Ridge Road – Room 309
Lackawanna, NY 14218
Tel: (716) 827-6474 Fax: (716) 827-1866



June 18, 2019

John Cappellino
Executive Vice President
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, NY 14203

**Re: Zoning Review - Buffalo and Erie County Land Development Corporation
Proposed Industrial Park at 2303 Hamburg Turnpike Lackawanna,**

Dear Mr. Cappellino,

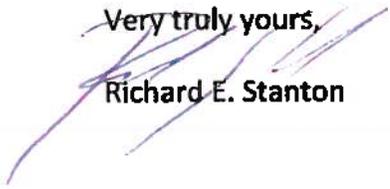
My Office has reviewed the Conceptual Site Plan of the proposed Industrial Park Master provided by AECOM in drawings dated February 2019 under AECOM project number 605568845 (the Plans). I have reviewed the Plans for consistency with requirements to the City of Lackawanna's subdivision restrictions, and zoning code.

The proposed lot layout set forth in Sheet Number C-2, and the proposed subsurface infrastructure set forth in Sheet Numbers C-7 through C-14 would meet the requirements of if Chapter 144 of the City Code, and the lot size restriction set forth for the applicable districts, and thus the concept plan is approvable.

I have also reviewed the proposed building coverage and lot layout set forth in Sheet C-2A. The lot coverage and layouts are also consistent with zoning provisions for the zones applicable to the lots, and are thus approvable.

In summary the Plans of AECOM are approvable in the City of Lackawanna, NY. Please do not hesitate to call if any further clarification is required.

Very truly yours,


Richard E. Stanton

**Cc: Hon. Geoffrey Szymanski, Mayor of the City of Lackawanna
Drew Ortega, Code Enforcement Officer for the City of Lackawanna
Gary Palumbo, AICP, AECOM**

Richard Stanton
Department of Development



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

March 15, 2019

Mr. Grant Johnson
Environmental Design & Research, D.P.C. (EDR)
217 Montgomery Street, Suite 1000
Syracuse, NY 13202

Re: EDA
Bethlehem Steel Redevelopment Area Master Plan
Lackawanna, Erie County, NY
18PR06973

Dear Mr. Johnson:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the report prepared by Environmental Design & Research (EDR) entitled "Phase IA Archaeological Survey: Bethlehem Steel Redevelopment Area Master Plan, City of Lackawanna, Erie County, New York" (Weiss et al. February 2019), in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, the New York SHPO concurs with the report's conclusions. It is thus the opinion of SHPO that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking. This recommendation pertains only to the Area of Potential Effects (APE) examined during the above-referenced investigation. It is not applicable to any other portion of the project property. Should the project design be changed SHPO recommends further consultation with this office.

If further correspondence is required regarding this project, please refer to the project number (PR) noted above. If you have any questions, I can be reached at 518-268-2218 or via e-mail at Josalyn.Ferguson@parks.ny.gov.

Sincerely,

Josalyn Ferguson (B.A., M.A.)
Historic Preservation Specialist/Archaeology

via e-mail only

c.c. Charles Vandrei, DEC
c.c. Jennifer Kelly, AECOM

c.c. Ed Hummel, EDA
c.c. Matthew Weiss, EDR

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4357
P: (518) 402-8875 F: (518) 402-8875
www.dec.ny.gov

October 19, 2018

Madelyn Sheehan
AECOM
257 West Genesee St
Buffalo, NY 14202

Re: Bethlehem Steel Redevelopment Area
County: Erie Town/City: City Of Lackawana

Dear Ms. Sheehan:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities at the project site.

Within about 1/2 mile of the project site are documented locations for nesting **peregrine falcon** (*Falco peregrinus*, NYS-listed as Endangered); a significant **gull colony** at Stony Point; and in Lake Erie the rare fish **lake sturgeon** (*Acipenser fulvescens*, NYS-listed as Threatened) and **mooneye** (*Hiodon tergisus*, also Threatened).

For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 9 Office, Division of Environmental Permits, at dep.r9@dec.ny.gov.

Sincerely,



Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

September 17, 2018

Consultation Code: 05E1NY00-2018-SLI-3327

Event Code: 05E1NY00-2018-E-10172

Project Name: Bethlehem Steel Redevelopment Area

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)

[eagle_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2018-SLI-3327

Event Code: 05E1NY00-2018-E-10172

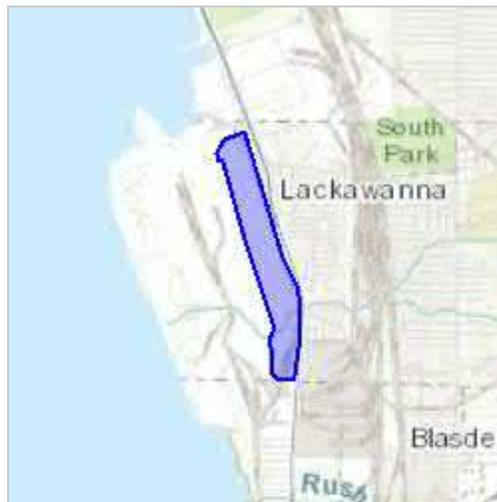
Project Name: Bethlehem Steel Redevelopment Area

Project Type: LAND - MANAGEMENT PLANS

Project Description: This project consists of preparation of an infrastructure master plan for an industrial park subdivision located at 2303 Hamburg Turnpike in the City of Lackawanna. The area consists of approximately 240 acres of the former Bethlehem Steel Company property. Prior use includes the manufacturing of steel until production was discontinued at the site in 1983. The subject area is currently vacant and has been remediated. Portions of the site are covered and subsequently revegetated prior. It is currently zoned for light and medium industrial uses, surrounding land uses include: industrial, shipping, bulk storage, and a port facility. Redevelopment for the project is planned to start in 2019.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.818169164552884N78.85032505811468W>



Counties: Erie, NY

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.
